

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JOHNSON & JOHNSON
HEALTH CARE SYSTEMS INC.,

Plaintiff,

v.

SAVE ON SP, LLC, EXPRESS SCRIPTS,
INC., AND ACCREDO HEALTH GROUP,
INC.,

Defendants.

Case No. 22-2632 (JKS)(CLW)

**DECLARATION OF MEREDITH
NELSON**

MEREDITH NELSON, an attorney duly admitted to practice law before this Court,
declares the following under penalty of perjury:

1. I am a member of the law firm of Selendy Gay PLLC, counsel for Save On SP, LLC (“SaveOn”).
2. I make this Declaration based on my own personal knowledge, and in opposition to Johnson & Johnson Health Care Systems Inc.’s (“JJHCS”) motion for leave to file a supplemented amended complaint.
3. Attached as **Exhibit 1** is a true and correct copy of SaveOn’s Supplemental Responses and Objections to JJHCS’s Fourth Set of Interrogatories.
4. Attached as **Exhibit 2** is a PDF version of the true and correct copy of an Excel file produced natively by JJHCS, bearing the Bates number JJHCS_00185958.
5. Attached as **Exhibit 3** is a PDF version of the true and correct copy of an Excel file produced to SaveOn in native format by JJHCS—who in turn received it from the company RIS Rx—bearing the control number RISRX0045.

6. Attached as **Exhibit 4** is a true and correct copy of an email exchange principally between the undersigned and Julia Long, counsel for JJHCS.

7. Attached as **Exhibit 5** is a true and correct copy of JJHCS's publicly available Terms and Conditions for Stelara, effective March 2023 and stamped with the document ID: "cp-54244v9."

8. Attached as **Exhibit 6** is a true and correct copy of a document produced by JJHCS, bearing the Bates number JJHCS_00035939.

9. Attached as **Exhibit 7** is a true and correct copy of a document produced by SaveOn, bearing the Bates number SOSP_1043210.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: New York, New York
November 4, 2024

/s/

Meredith Nelson

Meredith Nelson

Exhibit 1

E. Evans Wohlforth, Jr.
Sabrina Galli
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666 Third Avenue, 20th Floor
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ewohlforth@rc.com
sgalli@rc.com

Philippe Z. Selendy (*admitted pro hac vice*)
Andrew R. Dunlap (*admitted pro hac vice*)
Meredith Nelson (*admitted pro hac vice*)
Elizabeth Snow (*admitted pro hac vice*)
SELENDY GAY PLLC
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esnow@selendygay.com

Attorneys for Defendant Save On SP, LLC

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JOHNSON & JOHNSON HEALTH CARE
SYSTEMS INC.,

Plaintiff,

v.

SAVE ON SP, LLC,

Defendant.

Civ. A. No. 22-2632 (JKS) (CLW)

**DEFENDANT'S SUPPLEMENTAL
RESPONSES AND OBJECTIONS TO
PLAINTIFF'S FOURTH SET OF
INTERROGATORIES**

To: Jeffrey J. Greenbaum, Esq.
SILLS CUMMIS & GROSS, P.C.
One Riverfront Plaza

Newark, New Jersey 07102
973-643-7000

Adeel A. Mangi, Esq.
Harry Sandick, Esq.
George LoBiondo, Esq.
PATTERSON BELKNAP WEBB
& TYLER LLP
1133 Avenue of the Americas
New York, New York

*Attorneys for Plaintiff Johnson & Johnson
Health Care Systems Inc.*

Pursuant to Federal Rules of Civil Procedure 26 and 33, and Local Civil Rule 33.1, Defendant Save On SP, LLC (“SaveOnSP”), by and through its undersigned counsel, responds and objects to Plaintiff Johnson & Johnson Health Care Systems Inc.’s (“JJHCS”) Fourth Set of Interrogatories, dated June 27, 2024 (the “Interrogatories”). These responses should be deemed to supplement and amend SaveOnSP’s disclosures under Rule 26(a) of the Federal Rules of Civil Procedure. If SaveOnSP learns that in some material respect its responses are incomplete or incorrect, SaveOnSP will supplement or correct them if the additional or corrective information has not otherwise been made known to JJHCS during the discovery process or in writing. Fed. R. Civ. P. 26(e)(1)(A). SaveOnSP’s responses to these Interrogatories are based on information available to it at the time it made them. SaveOn reserves the right to modify or supplement its responses.

GENERAL OBJECTIONS

1. JJHCS does not limit any of its Interrogatories to nonprivileged material. Save-OnSP objects to each Interrogatory to the extent that it seeks a disclosure of information which is subject to the attorney-client privilege, the work product doctrine, the common-interest privilege, or any other applicable privileges, immunities, or doctrines.

2. JJHCS does not limit any of its Interrogatories to information within SaveOnSP's possession, custody, or control. SaveOnSP objects to each Interrogatory to the extent that it seeks disclosure of information that is not within SaveOnSP's possession, custody, or control that SaveOnSP can locate after a reasonable inquiry.

OBJECTIONS TO DEFINITIONS

3. SaveOnSP objects to the definition of "SaveOnSP" as including attorneys and accountants who may be outside of SaveOnSP's possession, custody, and control. SaveOnSP interprets the term "SaveOnSP" to mean Save On SP, LLC, and any and all predecessors and successors in interest, assignees, parents, subsidiaries, affiliates, divisions or departments, agents, representatives, directors, officers, employees, committees, and all persons or entities acting or purporting to act on behalf or under the control of Save On SP, LLC.

4. SaveOnSP objects to the definition of "SaveOnSP Program," as described in Complaint ¶¶ 9-17 and ¶¶ 50-88, because it mischaracterizes SaveOnSP's services. SaveOnSP will not use this definition. SaveOnSP instead interprets this term to mean the services that it provides to health plans.

5. SaveOnSP objects to the definition of "SaveOnSP Drug List" as it purports to incorporate a document created outside the discovery period.

6. SaveOnSP objects to the definition of "You" and "Your" to the same extent that it objects to the definition of "SaveOnSP."

OBJECTIONS TO INSTRUCTIONS

7. SaveOnSP objects to Instruction No. 15 in Plaintiff's Third Set of Interrogatories to the extent that JJHCS attempts to impose requirements on SaveOnSP beyond those required by the Federal Rules of Civil Procedure, agreed to by the parties, or ordered by the Court.

8. SaveOnSP objects to Instruction No. 16 to the extent it purports to require SaveOnSP to answer Plaintiff's Interrogatories based on knowledge obtained from all available sources. SaveOnSP will answer Plaintiff's Interrogatories based on information in its possession, custody, and control available to it following a reasonable inquiry.

9. SaveOnSP objects to Instruction No. 17 to the extent that JJHCS attempts to impose requirements on SaveOnSP beyond those required by the Federal Rules of Civil Procedure, agreed to by the parties, or ordered by the Court.

Dated: August 27, 2024

By: /s/ E. Evans Wohlforth, Jr.
E. Evans Wohlforth, Jr.
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Attorneys for Defendant Save On SP, LLC

RESPONSES TO PLAINTIFF'S FOURTH SET OF INTERROGATORIES

INTERROGATORY NO. 21:

Describe all actions that You have taken relating to the New Terms, including whether You have removed or intend to remove the Affected Drugs from the SaveOnSP Program or SaveOnSP Drug Lists, and what You have communicated to Your client health plans or anyone else regarding the New Terms.

RESPONSE:

SaveOnSP objects to this Interrogatory as seeking information that is not relevant to the claims or defenses in this action.

SaveOnSP further objects to this Interrogatory to the extent that it seeks information regarding communications by or with SaveOnSP's counsel.

SaveOnSP further objects to this Interrogatory as unduly burdensome to the extent it requests that SaveOnSP identify and describe all actions SaveOnSP has taken regarding the New Terms and all communications with clients "or anyone else" about the same.

SaveOnSP responds as follows:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

SaveOn designates its response to this Interrogatory as “Confidential” under the November 22, 2022 Discovery Confidentiality Order, Dkt. No. 62.

CERTIFICATION OF SAVE ON SP, LLC

I, Jody Miller, am the President of Save On SP, LLC ("SaveOnSP"). I am authorized to submit this certification on behalf of SaveOnSP. I certify that the foregoing answers made by me to these Interrogatories are true. I am aware that if any of the foregoing answers are willfully false, SaveOnSP and I are subject to punishment. I certify that in responding to the foregoing Interrogatories, I have furnished all information available to SaveOnSP, its agents, employees and attorneys. As to those answers which are not within my personal knowledge, I certify that I am able, upon request, to provide the name and address of every person from whom such information was received or, where the source of such information is documentary, a full description of the document including its location.

Save On SP, LLC

By: Jody Miller
President

Date: August 23, 2024

Exhibit 2

Exhibit 3

Exhibit 4

From: [Meredith Nelson](#)
To: [Long, Julia \(x2878\)](#); [Matthew Nussbaum](#); [Kevin Cryan](#); [Mangi, Adeel A. \(x2563\)](#); [Sandick, Harry \(x2723\)](#); [LoBiondo, George \(x2008\)](#); ~jgreenbaum@sillscummis.com; ~klieb@sillscummis.com; [cg J&J-SaveOn](#)
Cc: [Philippe Selendy](#); [Andrew Dunlap](#); [Wohlforth, E. Evans](#); [Elizabeth Snow](#); [Hannah Miles](#)
Subject: RE: JJHCS v. SaveOnSP // JJHCS's Fourth Set of ROGs
Date: Thursday, August 8, 2024 4:00:27 PM

Julia,

We told you last Friday that SaveOn would agree to answer Interrogatory No. 21 if J&J confirmed that its position was that the interrogatory is relevant to SaveOn's mitigation defense to J&J's existing claims. J&J has now confirmed that this is its position. SaveOn therefore agrees to answer the interrogatory. We expect to provide our revised response next week.

Regards,

Meredith

Meredith Nelson

Associate [\[Email\]](#)

Selendy Gay PLLC [\[Web\]](#)

Pronouns: she, her, hers

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+1 918.200.3148 [M]

From: Long, Julia (x2878) <jlong@pbwt.com>

Sent: Wednesday, August 7, 2024 3:46 PM

To: Meredith Nelson <mnelson@selendygay.com>; Matthew Nussbaum <mnussbaum@selendygay.com>; Kevin Cryan <kcryan@selendygay.com>; Mangi, Adeel A. (x2563) <aamangi@pbwt.com>; Sandick, Harry (x2723) <hsandick@pbwt.com>; LoBiondo, George (x2008) <globiondo@pbwt.com>; ~jgreenbaum@sillscummis.com <jgreenbaum@sillscummis.com>; ~klieb@sillscummis.com <klieb@sillscummis.com>; _cg J&J-SaveOn <JJSaveOn@pbwt.com>

Cc: Philippe Selendy <pselendy@selendygay.com>; Andrew Dunlap <adunlap@selendygay.com>; Wohlforth, E. Evans <Ewohlforth@rc.com>; Elizabeth Snow <esnow@selendygay.com>; Hannah Miles <hmiles@selendygay.com>

Subject: RE: JJHCS v. SaveOnSP // JJHCS's Fourth Set of ROGs

Meredith,

We disagree with your claim that the changes to CarePath's terms and conditions in 2024 are irrelevant to our claims. As you well know, the complaint alleges ongoing harm related to both the tortious interference and GBL § 349 claims. Revisions to the CarePath terms and conditions, as well as SaveOnSP's actions in response to those changes, are squarely part of both claims.

In addition, SaveOnSP's actions in response to changes to the terms and conditions—i.e., the subject of the interrogatory—are squarely relevant to a host of issues, including but not limited to

SaveOnSP's understanding of the T&Cs, its continued efforts to avoid manufacturer detection, and SaveOnSP's asserted mitigation defense.

It has now been nearly a week since our conferral where we sought to understand SaveOnSP's basis for refusing to answer Interrogatory No. 21, and we have no better understanding of whether SaveOnSP will answer the Interrogatory. Please confirm tomorrow whether you will answer and the date by which SaveOnSP will do so. Absent such confirmation, we will understand that we are at impasse and will seek prompt relief from Judge Wolfson.

Best,
Julia

Julia Long
She | Her | Hers
Associate

Patterson Belknap Webb & Tyler LLP
1133 Avenue of the Americas
New York, NY 10036

T 212.336.2878

jlong@pbwt.com

From: Meredith Nelson <mnelson@selendygay.com>

Sent: Monday, August 5, 2024 4:14 PM

To: Long, Julia (x2878) <jlong@pbwt.com>; Matthew Nussbaum <mnussbaum@selendygay.com>; Kevin Cryan <kcryan@selendygay.com>; Mangi, Adeel A. (x2563) <aamangi@pbwt.com>; Sandick, Harry (x2723) <hsandick@pbwt.com>; LoBiondo, George (x2008) <globiondo@pbwt.com>; jgreenbaum@sillscummis.com <jgreenbaum@sillscummis.com>; klieb@sillscummis.com <klieb@sillscummis.com>; _cg J&J-SaveOn <JJSaveOn@pbwt.com>

Cc: Philippe Selendy <pselendy@selendygay.com>; Andrew Dunlap <adunlap@selendygay.com>; Wohlforth, E. Evans <Ewohlforth@rc.com>; Elizabeth Snow <esnow@selendygay.com>; Hannah Miles <hmiles@selendygay.com>

Subject: RE: JJHCS v. SaveOnSP // JJHCS's Fourth Set of ROGs

External: Think before you click.

Julia,

As the party that served the interrogatory, J&J has the burden of establishing that it seeks relevant information. We believe that Judge Wolfson would expect J&J to tell SaveOn, as part of the meet and confer process, and in advance of moving to compel, the reasons why J&J believes that this interrogatory seeks relevant information. Please tell us whether J&J's position is that the information sought by this interrogatory is potentially relevant to SaveOn's mitigation defense.

Regards,

Meredith

Meredith Nelson

Associate [Email]

Selendy Gay PLLC [Web]

Pronouns: she, her, hers

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+1 918.200.3148 [M]

From: Long, Julia (x2878) <jlong@pbwt.com>

Sent: Monday, August 5, 2024 11:28 AM

To: Meredith Nelson <mnelson@selendygay.com>; Matthew Nussbaum <mnussbaum@selendygay.com>; Kevin Cryan <kcryan@selendygay.com>; Mangi, Adeel A. (x2563) <aamangi@pbwt.com>; Sandick, Harry (x2723) <hsandick@pbwt.com>; LoBiondo, George (x2008) <globiondo@pbwt.com>; ~jgreenbaum@sillscummis.com <jgreenbaum@sillscummis.com>; ~klieb@sillscummis.com <klieb@sillscummis.com>; _cg J&J-SaveOn <JJSaveOn@pbwt.com>

Cc: Philippe Selendy <pselendy@selendygay.com>; Andrew Dunlap <adunlap@selendygay.com>; Wohlforth, E. Evans <Ewohlforth@rc.com>; Elizabeth Snow <esnow@selendygay.com>; Hannah Miles <hmiles@selendygay.com>

Subject: RE: JJHCS v. SaveOnSP // JJHCS's Fourth Set of ROGs

Meredith,

We disagree with your claim. Regardless, parties are not required to agree on a theory of relevance for discovery. JJHCS posed an interrogatory and SaveOnSP should answer it. Will you do so? If not, please confirm today on what basis SaveOnSP continues to object so that we can seek prompt relief from Judge Wolfson.

Best,

Julia

Julia Long

She | Her | Hers
Associate

Patterson Belknap Webb & Tyler LLP
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New York, NY 10036

T 212.336.2878

jlong@pbwt.com

From: Meredith Nelson <mnelson@selendygay.com>

Sent: Friday, August 2, 2024 6:31 PM

To: Long, Julia (x2878) <jlong@pbwt.com>; Matthew Nussbaum <mnussbaum@selendygay.com>; Kevin Cryan <kcryan@selendygay.com>; Mangi, Adeel A. (x2563) <aamangi@pbwt.com>; Sandick, Harry (x2723) <hsandick@pbwt.com>; LoBiondo, George (x2008) <globiondo@pbwt.com>; jgreenbaum@sillscummis.com <jgreenbaum@sillscummis.com>; klieb@sillscummis.com <klieb@sillscummis.com>; _cg J&J-SaveOn <JJSaveOn@pbwt.com>

Cc: Philippe Selendy <pselendy@selendygay.com>; Andrew Dunlap <adunlap@selendygay.com>; Wohlforth, E. Evans <Ewohlforth@rc.com>; Elizabeth Snow <esnow@selendygay.com>; Hannah Miles <hmiles@selendygay.com>

Subject: RE: JJHCS v. SaveOnSP // JJHCS's Fourth Set of ROG's

External: Think before you click.

Julia,

As we discussed yesterday, SaveOn's position is that J&J has not asserted any claims based on the 2024 terms and conditions and that Interrogatory No. 21 is therefore irrelevant to J&J's existing claims.

Yesterday, for the first time, we understood J&J to take the position that the information sought by Interrogatory No. 21 is relevant to SaveOn's mitigation defense to J&J's existing claims. If J&J confirms that this is its position, then SaveOn will agree to answer the interrogatory on that basis.

Regards,

Meredith

Meredith Nelson

Associate [[Email](#)]

Selendy Gay PLLC [[Web](#)]

Pronouns: she, her, hers

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From: Meredith Nelson

Sent: Friday, August 2, 2024 10:00 AM

To: Long, Julia (x2878) <jlong@pbwt.com>; Matthew Nussbaum <mnussbaum@selendygay.com>; Kevin Cryan <kcryan@selendygay.com>; Mangi, Adeel A. (x2563) <aamangi@pbwt.com>; Sandick, Harry (x2723) <hsandick@pbwt.com>; LoBiondo, George (x2008) <globiondo@pbwt.com>; jgreenbaum@sillscummis.com <jgreenbaum@sillscummis.com>; klieb@sillscummis.com <klieb@sillscummis.com>; _cg J&J-SaveOn <JJSaveOn@pbwt.com>

Cc: Philippe Selendy <pselendy@selendygay.com>; Andrew Dunlap <adunlap@selendygay.com>

Wohlforth, E. Evans <Ewohlforth@rc.com>; Elizabeth Snow <esnow@selendygay.com>; Hannah Miles <hmiles@selendygay.com>

Subject: RE: JJHCS v. SaveOnSP // JJHCS's Fourth Set of ROGs

Julia,

Thanks for your email. We are still conferring internally and will let you know our position by the end of today.

Regards,

Meredith

Meredith Nelson

Associate [[Email](#)]

Selendy Gay PLLC [[Web](#)]

Pronouns: she, her, hers

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From: Long, Julia (x2878) <jlong@pbwt.com>

Sent: Thursday, August 1, 2024 12:28 PM

To: Matthew Nussbaum <mnussbaum@selendygay.com>; Kevin Cryan <kcryan@selendygay.com>; Mangi, Adeel A. (x2563) <aamangi@pbwt.com>; Sandick, Harry (x2723) <hsandick@pbwt.com>; LoBiondo, George (x2008) <globiondo@pbwt.com>; jgreenbaum@sillscummis.com <jgreenbaum@sillscummis.com>; kclieb@sillscummis.com <kclieb@sillscummis.com>; _cg J&J-SaveOn <JJSaveOn@pbwt.com>

Cc: Philippe Selendy <pselendy@selendygay.com>; Andrew Dunlap <adunlap@selendygay.com>; Wohlforth, E. Evans <Ewohlforth@rc.com>; Meredith Nelson <mnelson@selendygay.com>; Elizabeth Snow <esnow@selendygay.com>; Hannah Miles <hmiles@selendygay.com>

Subject: RE: JJHCS v. SaveOnSP // JJHCS's Fourth Set of ROGs

Meredith, Matt, and Kevin,

Thanks for our conferral this morning. We understand SaveOnSP's position on JJHCS's Interrogatory No. 21 to be that any changes to CarePath's terms and conditions in 2024 are irrelevant to both JJHCS's tortious interference claim and SaveOnSP's mitigation defense. You explained that SaveOnSP's burden objection is based on its view of relevance. And while SaveOnSP has also asserted a privilege objection, to clarify, JJHCS's interrogatory does not seek the content of any legal advice SaveOnSP received.

At the end of our call, you asked for an extra day to confirm that SaveOnSP will stand on its articulated objections. Please confirm by noon tomorrow. Otherwise, consistent with your responses and objections, we will understand the parties to be at impasse on the issue.

Best,
Julia

Julia Long
She | Her | Hers
Associate

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1133 Avenue of the Americas
New York, NY 10036

T 212.336.2878

jlong@pbwt.com

From: Long, Julia (x2878) <jlong@pbwt.com>

Sent: Tuesday, July 30, 2024 7:44 PM

To: Matthew Nussbaum <mnussbaum@selendygay.com>; Kevin Cryan <kcryan@selendygay.com>;
Mangi, Adeel A. (x2563) <aamangi@pbwt.com>; Sandick, Harry (x2723) <hsandick@pbwt.com>;
LoBiondo, George (x2008) <globiondo@pbwt.com>; jgreenbaum@sillscummis.com
<jgreenbaum@sillscummis.com>; klieb@sillscummis.com <klieb@sillscummis.com>; _cg J&J-
SaveOn <JJSaveOn@pbwt.com>

Cc: Philippe Selendy <pselendy@selendygay.com>; Andrew Dunlap <adunlap@selendygay.com>;
Wohlforth, E. Evans <Ewohlforth@rc.com>; Meredith Nelson <mnelson@selendygay.com>;
Elizabeth Snow <esnow@selendygay.com>; Hannah Miles <hmiles@selendygay.com>

Subject: RE: JJHCS v. SaveOnSP // JJHCS's Fourth Set of ROGs

Matt,

Thanks for providing your availability. We are available on Thursday at 11:00 a.m. I will circulate a calendar invitation momentarily.

Best,
Julia

Julia Long
She | Her | Hers
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New York, NY 10036

T 212.336.2878

jlong@pbwt.com

From: Matthew Nussbaum <mnussbaum@selendygay.com>

Sent: Tuesday, July 30, 2024 10:05 AM

To: Long, Julia (x2878) <jlong@pbwt.com>; Kevin Cryan <kcryan@selendygay.com>; Mangi, Adeel A. (x2563) <aamangi@pbwt.com>; Sandick, Harry (x2723) <hsandick@pbwt.com>; LoBiondo, George (x2008) <globiondo@pbwt.com>; ~jgreenbaum@sillscummis.com <jgreenbaum@sillscummis.com>; ~klieb@sillscummis.com <klieb@sillscummis.com>; _cg J&J-SaveOn <JJSaveOn@pbwt.com>
Cc: Philippe Selendy <pselendy@selendygay.com>; Andrew Dunlap <adunlap@selendygay.com>; Wohlforth, E. Evans <Ewohlforth@rc.com>; Meredith Nelson <mnelson@selendygay.com>; Elizabeth Snow <esnow@selendygay.com>; Hannah Miles <hmiles@selendygay.com>
Subject: RE: JJHCS v. SaveOnSP // JJHCS's Fourth Set of ROGs

External: Think before you click.

Good morning, Julia,

We are not available to meet and confer today. We are available on Thursday before 2 p.m. or at any time on Friday.

Thank you,

Matt

Matthew Nussbaum

Associate [[Email](#)]

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Pronouns: he, him, his

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From: Long, Julia (x2878) <jlong@pbwt.com>

Sent: Monday, July 29, 2024 6:18 PM

To: Kevin Cryan <kcryan@selendygay.com>; Mangi, Adeel A. (x2563) <aamangi@pbwt.com>; Sandick, Harry (x2723) <hsandick@pbwt.com>; LoBiondo, George (x2008) <globiondo@pbwt.com>; ~jgreenbaum@sillscummis.com <jgreenbaum@sillscummis.com>; ~klieb@sillscummis.com <klieb@sillscummis.com>; _cg J&J-SaveOn <JJSaveOn@pbwt.com>

Cc: Philippe Selendy <pselendy@selendygay.com>; Andrew Dunlap <adunlap@selendygay.com>; Wohlforth, E. Evans <Ewohlforth@rc.com>; Meredith Nelson <mnelson@selendygay.com>; Elizabeth Snow <esnow@selendygay.com>; Hannah Miles <hmiles@selendygay.com>; Matthew Nussbaum <mnuussbaum@selendygay.com>

Subject: RE: JJHCS v. SaveOnSP // JJHCS's Fourth Set of ROGs

Kevin,

Based on your responses and objections, we understand that SaveOnSP is refusing to provide a response to JJHCS's Interrogatory No. 21. Please provide your availability for a conferral tomorrow. We intend to seek prompt relief from Judge Wolfson.

Best,
Julia

Julia Long
She | Her | Hers
Associate

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From: Kevin Cryan <kcryan@selendygay.com>

Sent: Monday, July 29, 2024 5:40 PM

To: Long, Julia (x2878) <jlong@pbwt.com>; Mangi, Adeel A. (x2563) <aamangi@pbwt.com>; Sandick, Harry (x2723) <hsandick@pbwt.com>; LoBiondo, George (x2008) <globiondo@pbwt.com>; jgreenbaum@sillscummis.com <jgreenbaum@sillscummis.com>; klieb@sillscummis.com <klieb@sillscummis.com>; _cg J&J-SaveOn <JJSaveOn@pbwt.com>

Cc: Philippe Selendy <pselendy@selendygay.com>; Andrew Dunlap <adunlap@selendygay.com>; Wohlforth, E. Evans <Ewohlforth@rc.com>; Meredith Nelson <mnelson@selendygay.com>; Elizabeth Snow <esnow@selendygay.com>; Hannah Miles <hmiles@selendygay.com>; Matthew Nussbaum <mnussbaum@selendygay.com>

Subject: RE: JJHCS v. SaveOnSP // JJHCS's Fourth Set of ROGs

External: Think before you click.

Counsel,

Please find attached SaveOnSP's Responses & Objections to JJHCS's Fourth Set of Interrogatories.

Best,
Kevin

Kevin Cryan
Law Clerk [[Email](#)]
Selendy Gay PLLC [[Web](#)]
Pronouns: he/him/his

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From: Long, Julia (x2878) <jlong@pbwt.com>

Sent: Thursday, June 27, 2024 7:55 PM

To: Philippe Selendy <pselendy@selendygay.com>; Andrew Dunlap <adunlap@selendygay.com>; Wohlforth, E. Evans <EWohlforth@rc.com>; Meredith Nelson <mnelson@selendygay.com>; Elizabeth Snow <esnow@selendygay.com>; Hannah Miles <hmiles@selendygay.com>; Matthew Nussbaum <mnussbaum@selendygay.com>

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Subject: JJHCS v. SaveOnSP // JJHCS's Fourth Set of ROGs

Counsel:

Please find attached JJHCS's Fourth Set of Interrogatories.

Regards,

Julia

Julia Long

She | Her | Hers

Associate

Patterson Belknap Webb & Tyler LLP

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Exhibit 5

Stelara withMe


Stelara®
(ustekinumab)

Savings Program

for eligible commercially insured patients

Pay \$5 per dose

Maximum program benefit per calendar year shall apply. Terms expire at the end of each calendar year. Offer subject to change or discontinuance without notice. Restrictions, including monthly maximums, may apply. See program requirements.

Get savings on your out-of-pocket medication costs for STELARA®. Depending on your health insurance plan, savings may apply toward deductible, co-pay, and co-insurance.

Program does not cover costs to give you your treatment.



1. Enroll in the Savings Program

3 ways to enroll



By creating an online account and enrolling at MyJanssenCarePath.com



By phone
844-4withMe
(844-494-8463)



By fax or mail
Complete [Patient Enrollment Form*](#)
*You will activate your card upon receipt of enrollment confirmation by mail.

Am I eligible?

You may be eligible for the STELARA withMe Savings Program if you are age 6 and older, use commercial or private health insurance for STELARA®, and must pay an out-of-pocket cost for your medication. There is no income requirement.

STELARA withMe Savings Program is based on medication costs only and does not include costs to give you your treatment.

Other requirements

- This program is only available for people age 6 and older using commercial or private health insurance and must pay an out-of-pocket cost for their Janssen medication. This includes plans from the Health Insurance Marketplace. This program is not available for people who use any state or federal government-funded healthcare program. Examples of these programs are Medicare, Medicaid, TRICARE, Department of Defense, and Veterans Administration.
- You may not seek payment for the value received from this program from any health plan, patient assistance foundation, flexible spending account, or healthcare savings account.
- You must meet the program requirements at the time of each Savings Program request.
- Program terms will expire at the end of each calendar year. The program may change or discontinuation without notice, including in specific states.
- Patients who are members of health plans (often termed "maximizer" or "optimizer" programs) that claim to reduce or eliminate their patients' out-of-pocket co-pay, co-insurance, or deductible obligations for certain prescription drugs based upon the availability of, or patient's enrollment in, manufacturer sponsored co-pay assistance for such drugs will have a \$6,000 annual maximum program benefit per calendar year (not applicable to patients in Maine). If you have enrolled in one of these plans, please inform STELARA withMe at 844-4withMe (844-494-8463).
- To use this program, you must follow any health plan requirements, including telling your health plan how much co-payment support you get from this program. By getting a Savings Program benefit, you confirm that you have read, understood, and agree to the program requirements on this page, and you are giving permission for information related to your Savings Program transactions to be shared with your healthcare provider(s). These transactions include rebates and any funds placed on the card or balance remaining on the card.
- Before you activate your card, you will be asked to provide personal information that may include your name, address, phone number, email address, and information related to your prescription medication insurance and treatment. This information is needed for Janssen Biotech, Inc., the maker of STELARA®, and our service providers to enroll you in the STELARA withMe Savings Program. We may also use the information you give us to learn more about the people who use STELARA®, and to improve the information we give them. Janssen Biotech, Inc., will not share your information with anyone else except where legally allowed.
- If you use medical/primary insurance to pay for your medication, you need to submit a rebate request with an Explanation of Benefits (EOB) to get payment from the Savings Program. With your permission, your provider may submit the rebate request and EOB for you. Please make sure you and your provider know who will submit the rebate request.
- This program offer may not be used with any other coupon, discount, prescription savings card, free trial, or other offer. Offer good only in the United States and its territories. Void where prohibited, taxed, or limited by law.

You may end your participation in STELARA withMe at any time by calling 844-4withMe (844-494-8463).

Janssen Biotech, Inc., is not liable for unintended or unauthorized use of the STELARA® Mastercard® if it is lost or stolen. The STELARA withMe Savings Program Prepaid Mastercard is issued by Pathward, N.A., Member FDIC, pursuant to license by Mastercard International Incorporated. Mastercard and the circles design are registered trademarks of Mastercard International Incorporated. STELARA withMe Savings Program is not a Pathward or Mastercard product or service, nor is the optional offer endorsed by them.

Please read the full [Prescribing Information](#) and [Medication Guide](#) for STELARA® and discuss any questions you have with your doctor.

2. How to use your Savings Program benefits

How your card can be used depends on the insurance you use to pay for your medication:



If you use your **pharmacy/prescription insurance** to pay for your medication from a pharmacy:

- You may use your card (provide your Member ID #, Rx BIN #, and Group #) to receive instant savings off the cost of your medication
- The pharmacy will collect your co-pay



If you use your **medical/primary insurance** to pay for your medication through your doctor, treatment provider, or pharmacy:

- You may use your card to receive a rebate, **OR**
- You may assign your benefits directly to your treatment provider. Please discuss this option with your provider

How it works:

- Your provider or pharmacy may or may not collect your co-pay, based on your insurance coverage
- You receive your treatment with STELARA® (ustekinumab)
 - Your provider or pharmacy submits your claim to your healthcare insurance provider
- You and your provider receive an EOB statement from your insurance
 - You are responsible for submitting the EOB to STELARA withMe Savings Program, or you can request your provider to submit the EOB on your behalf (see *How to submit a rebate request* below)
- STELARA withMe Savings Program reviews your EOB, and issues rebate to your card, to you by check, or to your provider if you have assigned your benefits to your provider

Remember to bring your card to your treatment appointment. Your card is not a credit card. There is no charge for your card. If for any reason your provider or pharmacy cannot process your card, please call us at 844-4withMe (844-494-8463). You may be able to submit a [Rebate Form](#) to receive a check. Proof of medication payment required.

With an online account, you can manage your Savings Program benefits



- Review your available benefits
- Submit Savings Program requests
- View benefit payment transactions
- Receive timely alerts and program updates

Get started now...



Need help?

Call **844-4withMe** (844-494-8463)
Monday–Friday, 8:00 AM–8:00 PM ET
Visit [JanssenCarePath.com/Stelara](https://www.janssen.com/carepath/stelara)

How to submit a rebate request If you have created an online Patient Account, you may submit online in your account. If you would like to receive a rebate check payable to you by mail, you must complete a [Rebate Request Form](#) and provide proof of medication payment.

At your request, your provider may submit rebate requests to the Savings Program on your behalf via the Provider Portal or by fax or mail.



Online:
[MyJanssenCarePath.com](https://www.janssen.com/carepath/stelara)



Fax:
844-250-7193



Mail:
STELARA withMe Savings Program
2250 Perimeter Park Drive, Suite 300
Morrisville, NC 27560

Confirm with your provider who will submit rebate requests to the program—you or your provider at your request.

Information about your insurance coverage, cost support options, and treatment support is given to you by service providers for STELARA withMe via Janssen CarePath. The information you get does not require you to use any Janssen product. STELARA withMe cost support is not for patients in the Johnson & Johnson Patient Assistance Foundation.

Please read the full [Prescribing Information](#) and [Medication Guide](#) for STELARA® and discuss any questions you have with your doctor.

Exhibit 6

Exhibit 7